

if said processing (520) of the intermediate data packet (315) results in a change of the length or position of said information of the data packet (100) contained in the intermediate data packet (315), then altering (530) the information reference (320; 325,330) in order for the information reference (320; 325, 330) to reflect the change.

In the Office Action mailed October 18, 2007 the Examiner noted that claims 1-18 were pending and rejected claims 1-18. Claims 1, 4-9, 11 and 12 have been amended, claim 19 is new, claims 2, 3 and 10 have been canceled, and, thus, in view of the foregoing claims 1, 4-9 and 11-19 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections and objections are traversed below.

OBJECTIONS

The Office has objected to the title of the invention as non-descriptive. The title has been amended to be more fully descriptive of the claims.

REJECTIONS under 35 U.S.C. § 101

Claims 1-18 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, the Office asserts that the claims do not produce a useful, concrete and tangible result.

Applicants traverses this rejection for the following reasons:

- Claim 1 is directed to a process which is statutory subject matter ("process" as defined in 35 U.S.C. §101) and therefore the "useful, concrete and tangible result test" should not be applied;
- Claim 9 is directed to an apparatus which is subject matter ("machine" as defined in 35 U.S.C. § 101) and therefore the "useful, concrete and tangible result test" should not be applied; and
- The method claimed in claim 1 and the apparatus of claim 9 do achieve "useful, concrete and tangible results."

According to the Guidelines, the first step in determining utility of a claim is to determine whether the claim is directed toward at least one of the enumerated subject matter categories - process, machine, manufacture or composition of matter. If the claims are not directed to one of the categories enumerated in 35 U.S.C. § 101, it should be determined whether the claim is directed to a law of nature, natural phenomena or abstract idea which constitute subject matter to which a judicial exception may apply. Finally, if it is determined that the claims are directed to one of the above-mentioned categories, PTO has proposed two ways to determine whether the claims are susceptible of an application of a § 101 judicial exception:

1. The claimed invention "transforms" an article or physical object to a different state or thing.
2. The claimed invention otherwise produces a useful, concrete and tangible result, based on the factors discussed below.

Amended claim 1 is directed to a method, so that the subject matter corresponds to a "process" as recited in 35 U.S.C. §101. Claim 9 is directed to a "machine" as recited in 35 U.S.C. § 101. Therefore, applying the judicial exception test "useful, concrete and tangible result" is not an issue for these claims.

While the Applicant need not apply the judicial exception test "useful, concrete and tangible result" to the present claims, the amended claim 1 does produce a tangible result, in that storing said information reference in an additional register is a useful, concrete and tangible result. Amended claim 9 does produce a tangible result in that a receiver receiving a data packet to generate intermediate data packets by adding a dummy head and/or a dummy is a useful, concrete and tangible result.

Further, MPEP 2601(IV)(B)(2)(a) states "If a claim defines a useful machine or manufacture by identifying the physical structure of the machine or manufacture in terms of its hardware or hardware and software combination, it defines a statutory product. See, e.g., *Lowry*, 32 F.3d at 1583, 32 USPQ2d at 1034-35; *Warmerdam*, 33 F.3d at 1361-62, 31 USPQ2d at 1760."

Claim 9 defines "a register," and therefore a physical structure.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 102

Claims 1-12 and 15-18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Sonsken, U.S. Patent Pub. No. 2003/0046429. The Applicant(s) respectfully disagree and traverse the rejection with an argument and amendment. Sonsken discusses a packet processing apparatus implemented in a plurality of pipeline stages or a group of stages configured for a particular operation.

Claim 1 has been amended to recite "generating an intermediate data packet (315) by adding a dummy header (305) and/or dummy tail (310) to said data packet (100)" Sonsken is silent as to the generation of an intermediate data packet. Further, Sonsken does not disclose a dummy header or dummy tail in a generated intermediate data packet. Support for the amendment found in Fig. 3b and associated text of the Application.

Further, the Office states that ¶ 0081 discloses "associating (510) information reference (320; 325,330) to said intermediate data packet (315), said information reference (320; 325,330) comprising information relating to the length and position of the information of said data packet (100) contained in said intermediate data packet (315)," as in amended claim 1.

Paragraph 0081 does not disclose associating (510) information reference (320; 325, 330) to said data packet. Sonsken ¶ 0081 does discuss what various types and content of a packet may be. It is silent as to an association between "information reference" and "intermediate data packet."

Further, Sonsken does not disclose "storing said information reference (320, 325, 330) in additional register (230)," as in amended claim 1. Support for the amendment found in Fig. 2 and the paragraph beginning at page 4 line 16 of the Application.

Claim 9 teaches similar features. Therefore, for at least the reasons stated above, claim 1 and 9 are not anticipated by Sonsken.

Withdrawal of the rejections is respectfully requested.

As regards claim 4, the Office on page 5 of the Office Action asserts that Sonsken ¶ 0019 discloses "determining, upon said intermediate data packet (315) exiting the last of said at least one processing stages, (540) whether any bits of said intermediate data packet (315) are superfluous; and, if any bits of said intermediate data packet (315) are superfluous, then removing (545) said superfluous bits from said intermediate data packet (315)," as in amended claim 4.

The Applicants admit that Sonsken does discuss stripping data from a packet based on control instructions and

the processing location in the packet. However, the reference does not state that these bits are superfluous, only that they are removed in response to control instruction. Further, the reference does not disclose "determining, upon said intermediate data packet (315) exiting the last of said at least one processing stages, (540) whether any bits of said intermediate data packet (315) are superfluous," as in amended claim 4. Sonksen does not disclose determining if a bit is superfluous or if this is determined exiting the last processing stage.

As regards claim 5, as discussed above Sonksen ¶ 0019 does not discuss removing bits existing the last processing stage. Therefore, Sonksen does not disclose "removing, upon said intermediate data packet (315) exiting the last of said at least one processing stages, at least one bit from said intermediate data packet (315)," as in amended claim 5.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being obvious over Sonksen in view of Lee, U.S. Patent No. 6,996,117. The Applicants respectfully disagree and traverse the rejection with an argument. Lee adds nothing to the deficiencies of Sonksen as applied to the independent claims argued above. Therefore, the Sonksen and Lee, taken in separately or in combination, fail to render obvious claim 13.

Withdrawal of the rejection is respectfully requested.

Claim 14 stands rejected under 35 U.S.C. § 103(a) as being obvious over Sonksen in view of Song, U.S. Patent No. 5,818,894. The Applicants respectfully disagree and traverse the rejection with an argument. Song adds nothing to the deficiencies of Sonksen as applied to the independent claims argued above. Therefore, the Sonksen and Song, taken in separately or in combination, fail to render obvious claim 14.

NEW CLAIM

Claim 19 is new. Support for claim 19 found claims 1 and 9. It is respectfully submitted that no new matter has been added by the addition of claim 19. The prior art fails to teach or suggest an intermediate register "generating the intermediate data packet (315) by adding a dummy header and/or dummy tail (310) to the data packet (100); associating (510) information reference (320; 325,330) to the intermediate data packet (315) ... processing (520) of the intermediate data packet (315) results in a change of the length or position of said information of the data packet (100) contained in the intermediate data packet (315), then altering (530) the information reference."

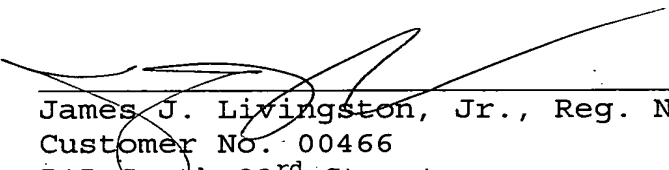
SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 101, 102 and 103. It is also submitted that claims 1, 4-9 and 11-19 continue to be allowable. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



James J. Livingston, Jr., Reg. No. 55,394
Customer No. 00466
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

JJL/snt